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Office - Supreme Court, U.S.
FILED
APR 3 1985
ALEXANDER L. STEVAS,
CLERK

No. 84-822

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, WALTER E. HELLER INTERNATIONAL CORPORATION AND RONALD J. GRAYHECK,

Petitioners,

v.

HAROCO, INC., A CORPORATION, ROMAN CERAMICS, INC., A CORPORATION, CALIFORNIA ORIGINALS, INC., A CORPORATION, AND MIKE WAYNE DISTILLED PRODUCTS CO., A CORPORATION,

Respondents.

OBJECTION TO MOTION OF THE INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Donald E. Egan
Michael Wm. Zavis
Francis X. Grossi, Jr.
Lee Ann Watson
Charles E. Ex
Katten, Muchin, Zavis,
Pearl & Galler
55 East Monroe Street
Chicago, Illinois 60603
312/346-7400
Attorneys for Petitioners

4PP

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Pursuant to Supreme Court Rule 36.3 Petitioners hereby object to the Motion For Leave To File Amicus Curiae Brief by The Interinsurance Exchange Of The Automobile Club Of Southern California for the following reasons:

1. The interest of movant Interinsurance Exchange of The Automobile Club Of Southern California as disclosed in its Motion appears to be simply that of an association

which represents party litigants in civil RICO actions involving insurance claims for which they hope to recover treble damages. Furthermore, the movant has failed to disclose its identity in that it does not state whether it is a corporation, a voluntary association or some other entity, nor does it identify its members and/or shareholders.

2. Movant's interest is therefore no different than that of every other potential civil RICO plaintiff and it has suggested no reason why Respondents in this case cannot adequately represent its interest. In addition, amicus curiae briefs in support of Respondents' position have been filed on behalf of: (1) the States of Arizona, Alaska, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming; (2) the Cities of Chicago, New York and Philadelphia; and (3) County of Suffolk, New York.

3. Unlike the amicus curiae brief filed by the American Bankers Association in support of Petitioners, the movant's sole interest is its members' stake in potential or pending RICO suits. In contrast, the American Bankers Association is the largest national trade association of the commercial banking industry in the United States, representing banks which are both plaintiffs and defendants in civil RICO actions.

4. The Brief which movant seeks to file raises arguments not pressed by Petitioners or Respondents and as such are not appropriate for consideration nor should Petitioners be required to respond thereto especially in light of the other amici briefs which have been filed in this action. *See, e.g., Monsanto Co. v. Spray-Rite Service Corp.*, ____ U.S. ____, 104 S.Ct. 1464, 1469-70 n.7 (1984); *Knetsch v. United States*, 364 U.S. 361, 370 (1960).

WHEREFORE, Petitioners respectfully submit that the Motion For Leave To File Amicus Curiae Brief by The Interinsurance Exchange Of The Automobile Club Of Southern California should be denied.

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55 East Monroe Street
Chicago, Illinois 60603
(312) 346-7400
Attorneys for Petitioners